REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has amended claims 1, 2, and 5. upon entry of this Amendment, claims 1-8 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

I. Overview of the Office Action

Claims 1-8 are now rejected under 35 U.S.C. § 102(a) as being anticipated by newly cited Suonvieri (U.S. Patent No. 6,445,919). Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suonvieri in view of newly cited Lucas et al. (U.S. Patent Application Publication No. 2005/0278710, hereafter "Lucas"). Applicant respectfully traverses the rejections.

II. Prior Art Rejections

Disclosure of Suonvieri

Suonvieri generally relates to a system for controlling different types of network elements with the same management system. Control messages such as alarms and acknowledgments transmitted by the network element are directed to a conversion element. The conversion element converts the message transmitted by the network element into a format understood by the management system and then transmits the converted message to the management system. Correspondingly, the management system transmits the configuration messages to the conversion element in its own format. The conversion element converts the message on the basis

of the information about the identity of the receiving network element to the format used by the network element and transmits it to the network element.

Analysis

The Examiner alleges that Suonvieri discloses all of the features of independent claim 1 and analogous independent claim 5. Applicant respectfully disagrees with the Examiner's position.

Claim 1 and analogous claim 5 recite in part:

> identifying at said mediation server a change in said used data exchange format from a first data exchange format to a second data exchange format; and
>
> dynamically switching from said first data exchange format to said second identified data exchange format.

Applicant respectfully submits that these features are neither taught nor suggested by Suonvieri. Suonvieri discloses that when messages are received from radio repeaters (1, 2, and 3) connected to a network, a repeater driver (the Examiner apparently reads the claimed mediation server on the repeater driver), identifies the types of messages coming from the repeaters, converts the messages into a uniform format, and transmits the messages to a management system (column 3, lines 34-42).

Applicant respectfully submits that there is no teaching or suggestion in Suonvieri of identifying a change in used data formats from a first data format to a second data format, and then dynamically switching from an old used format to a new identified data format as required by the claims. At best, Suonvieri converts an identified message (message type 1) to a second message (message type 2) which is obtained by using a conversion file (column 5, lines 12-25), and is not an identified format obtained from the identification of a change in data formats.

For example, Suonvieri discloses that when repeater 1 sends a message (an alarm message) (message type 1) to the management system, the repeater driver interprets the message based on information retrieved from a conversion file, and converts or forms the message into a second type (message type 2) which can be understood by the management system, and sends this message (message type 2) to the management system (column 4, line 59 to column 5, line 25). The repeater driver simply does not identify a change in data formats or message types and switch from a first data format (a used or old data format) to a new identified data format as required by the claims.

Similarly, if repeater 2 transmits a similar alarm message which conforms to message type 2, the repeater driver simply transmits the message to the management system without having to use the conversion file to convert the message, since the management system understands message type 2 (column 6, lines 13-30).

However, Applicant respectfully submits that there is simply no teaching or suggestion in Suonvieri that the repeater driver identifies a change in data formats and dynamically switches data formats from a first data format to a new identified second data format.

Applicant further notes that the Examiner has not indicated how the claimed first data exchange format and the claimed second data exchange format read on the cited reference. However, even if *arguendo* one were to consider the claimed used or first data format as message type 2, and the claimed new identified or second data format as message type 1, Suonvieri does not disclose switching from message type 2 to message type 1.

With respect to claim 3, Applicant respectfully submits that there is no teaching or suggestion in Suonvieri of "selecting one of a plurality of mediation servers for handling information from at least one of said network elements according to a predefined load balancing

policy", as recited in the claim. The Examiner cites FIGS. 3 and 4, the Abstract, and column 3, line 34 to column 4, line 26 of Suonvieri as allegedly disclosing this feature of the claim. However, these cited portions of Suonvieri do not disclose plural mediation servers (which the Examiner appears to read on the repeater driver), much less selecting one of plural mediation servers according to a predefined load balancing policy as required by the claim.

Similarly with respect to claim 4, Applicant respectfully submits that there is no teaching or suggestion in Suonvieri that "data exchanged between at least one of said network elements and said Operation and Maintenance Center contains a new software version download from the Operation and Maintenance Center to said at least one of said network elements", as recited in the claim. The Examiner again merely cites FIG. 4, the Abstract, and column 3, line 34 to column 4, line 26 of Suonvieri as allegedly disclosing this feature of the claim. However, nowhere does this cited portion (or any other portion) of Suonvieri teach or suggest that the management system downloads software to a network element.

Further, Lucas does not cure the deficiencies of Suonvieri.

Accordingly, Applicant respectfully submits that claims 1 and 5 should be allowable because the cited references do not teach or suggest all of the features of the claims. Claims 2-4 and 6-8 should also be allowable at least by virtue of their dependency on independent claims 1 and 5.

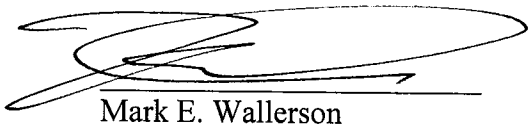
In order to expedite prosecution, Applicant has amended claims 1 and 5 in order to improve clarity.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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